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LEXICON GENETICS INCORPORATED
8800 Technology Forest Place
The Woodlands, TX 77381

In re Application of
Donoho et al
Serial No. : 09/733,387
Filed : December 7, 2000
Attorney Ref No. : LEX-0104-USA

Decision on Petition

This letter is in response to the Petition filed August 26, 2004 under 37 CFR 1.181 requesting withdraw of the notice of abandonment. The delay in acting upon this petition is regretted.

Applicants request the that notice of abandonment mailed 26 July 2004 be withdrawn because it was premature- applicants had been given two months to file a response to the Board's decision on 30 June 2004, yet the examiner abandoned the applicant two weeks later.

The petition under 37 C.F.R. 1.181 is **GRANTED**. The notice of abandonment mailed July 26, 2004 has been vacated. Moreover, in view of the timely filed reply to the Board's decision, the second notice of abandonment mailed May 23, 2005 has also been vacated.

No fee will be charged for the filing of this petition.

The application will be forwarded to the Board of Appeals and Interferences to match the timely filed request for reconsideration faxed to the Office on August 27, 2004 to the BPAI decision to the file.

Should there be any questions regarding this decision, please contact Special Program Examiner Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 703-872-9306.



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